

Exhibit 5

STATE OF TEXAS }
 }
WALKER COUNTY }

AFFIDAVIT OF KELLY STRONG

BEFORE ME, the undersigned authority, on this day personally appeared Kelly Strong, who, being duly sworn by me, deposed as follows:

“My name is Kelly Strong. I am over the age of 21 years, of sound mind, capable of making this affidavit, and I have personal knowledge of the facts stated herein.

I am employed by the Texas Department of Criminal Justice (TDCJ), and I am currently the Senior Warden of the Huntsville Unit in Huntsville, Texas. I was appointed to this position on July 1, 2022. I began my career as a clinical social worker with the TDCJ on September 1, 1992, and I was promoted through the administrative ranks to Senior Warden at the Lane Murray Unit in Gatesville, Texas. I held that position on five units until I became the Senior Warden of the Huntsville Unit.

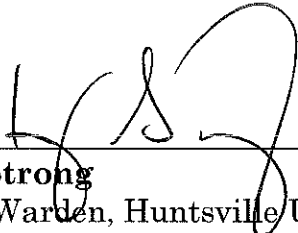
TDCJ has already notified inmate Stephen Barbee that TDCJ will accommodate his asserted limitation by not requiring his arms to be extended straight. Barbee’s arms may remain bent. The leather straps that secure his arms to the arm rests are adjustable such that they may be moved closer to the body or farther, which allows for his arms to remain bent. TDCJ has made additional modifications, including adding padding to the arm rests of gurney, to accommodate Barbee’s asserted limitation regarding the positioning of his arms.

Moreover, while the crook of the elbow is the preferred location for the IV insertion during an execution, the IV lines have been inserted in other locations when a suitable vein could not be utilized in the crook of the elbow. In previous executions, an IV line has been inserted in other parts of the body. The IV team will assess the veins at the time of the execution. In Barbee’s case, if his decreased range of motion in his arms prevents IV placement in the elbow, the IV team will adjust accordingly as they have done in previous executions.

I am executing this affidavit as a part of my assigned job duties and responsibilities. I declare under penalty of perjury that the foregoing is true and correct.”

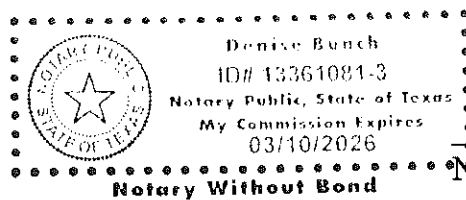
Further Affiant sayeth not.

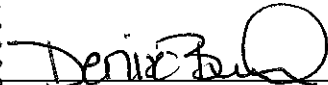
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Kelly Strong
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Correctional Institutions Division
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SWORN AND SUBSCRIBED BEFORE ME, the undersigned notary public, on
the 7th day of November, 2022.





Notary Public, State of Texas